



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,054	01/14/2002	Pekka Koivukunnas	33047/242570	3510
826	7590	02/14/2005	EXAMINER	
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			HUG, ERIC J	
			ART UNIT	PAPER NUMBER
			1731	

DATE MAILED: 02/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

LD

Office Action Summary	Application No. 10/047,054	Applicant(s) KOIVUKUNNAS ET AL.	
	Examiner Eric Hug	Art Unit 1731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4 is/are rejected.
- 7) ☒ Claim(s) 3 and 5-15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claims 9 and 10 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of claim 1. Claim 9 recites “wherein the plane-like support surface is provided with at least one measuring hole for single measurements”. This limitation is substantially recited in claim 1, wherein the phrase “at least one opening” is used rather than “at least one measuring hole”. If the recited measuring hole of claim 9 is an additional feature, it is recommended to indicate such in the claim.

Claim 10 is dependent on claim 9.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Lippke (US 3,713,966). Lippke discloses an apparatus for measuring the transverse moisture profile of a moving web in a paper machine. The device comprises a plurality of moisture gauges 3 arranged over the width of the web. The gauges face the web 4 and are connected to openings in the upper facing of support 1, which is an unmoving plane-like web support surface. The web is in contact with this surface (see column 6, lines 13-26; Figure 3).

2. Claims 1, 2, and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Typo (US 4,789,431). Typo discloses an apparatus for measuring the thickness of a pulp web on the forming wire of a paper machine. The apparatus comprises a non-scanning sensor 1, including an elongated structural member 16 that extends across the width of the web. The member has a planar top face 17 with apertures 18, each corresponding to a measurement location. In conjunction with each aperture is an ultrasonic sensing device. On the top face of each sensor is a window 36 through which ultrasonic pulses may pass. Note that this device is on the underside of a forming wire, rather than directly underneath the web. However, regarding the claimed support surface, the phrase “for supporting the paper web” is merely a statement of intended use, and does not structurally distinguish the claimed device from that of Typo.

3. Claims 1, 2, and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Gotchel et al (US 4,311,037). Gotchel discloses a web permeability tester for a traveling paper web in a paper machine. The tester spans the width of web 12. A planar test head is provided that includes a sensing plate 24 with test surface 14 which contacts the surface of the web. The test surface contains at least one aperture 28 with a pressure transducer located within for measurement of pressure across the web. As can be seen by Figure 4, the aperture is an elongated slot oriented in the direction transverse to web movement.

Allowable Subject Matter

Claims 3, 5-8, and 11-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Claim 3 is allowable for further providing an opening extending the whole width of the web.

Claims 5-7 are allowable for arranging the web support surface so that the web is not in contact with the support surface.

Claim 8 is allowable for further providing air blow means to blow air between the support surface and web.

Claims 11 and 12 are allowable for further providing transmission means.

Claim 13 is allowable for further providing a measuring means that moves back and forth across the width of the web.

Claims 14-15 are allowable for providing the support surface with at least two openings successively in the direction of web travel.

Response to Arguments

Applicant's arguments in response to the office action of March 13, 2003 have been fully considered. The arguments and amendments to the claims have overcome all rejections set forth previously. However, a new grounds of rejection has been presented above.

Art Unit: 1731

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Kilmister (US 5,298,121) discloses a rotary device that measures the tension across the width of a moving paper strip.

Mayer et al (US 4,947,131) discloses a bar sensor for measuring the thickness of film materials across the width of the films.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Hug whose telephone number is 571 272-1192. The examiner can normally be reached on Monday through Friday, 10:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571 272-1189. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


jeh